

Singles Rights Advocate

Newsletter of the Singles Rights Lobby for Unmarried Adults and Domestic Partners

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Our Civil Rights Agenda

Ending Marital Status Discrimination in the New Millennium

According to the most recent data from the Census Bureau, about 80 million unmarried adults live in the United States. Some 25 million singles live alone, while the rest live with a roommate, a domestic partner, a parent, a child, or with other relatives.

Although we are 40% of all adults, are more than a third of all voters, hold jobs, and pay taxes, we do not get the respect we deserve.

Some 21 states violate the privacy rights of consenting adults with laws regulating our bedroom behavior. Ten states make it a crime for a man and women to live together out of wedlock. Nine states criminalize sexual intercourse in private. In 17 states, oral sex is a crime, with four of these jurisdictions outlawing only same-sex activity. These laws must be repealed. The government should respect our privacy.

Although single people and unmarried couples face discrimination in housing, employment, business practices, and government policies, federal law does not outlaw marital status discrimination. Congress needs to be educated.

All states have civil rights laws prohibiting discrimination on the basis of race and religion. A large majority also prohibit sex discrimination. But among the 50 states, marital status discrimination is forbidden by only 19 states for employment and by 22 states for housing. Legislators in all 50 states should be made to understand that it is wrong for businesses to make decisions based on group stereotypes rather than individual merit.

Civil rights laws in every state should prohibit marital status discrimination by businesses or by the government in its policies and programs.

About 44 municipalities give domestic partner health benefits to local government employees. Ten of these employers only give the benefits to same-sex domestic partners. Opposite-sex couples are told they must marry in order to get equal benefits. Such marital status discrimination must end. *All* unmarried partners should be eligible for such health benefits.

Many judges show disrespect for unmarried couples. Some refer to our relationships as "meretricious," an old legal term that pertains to prostitution. Other call them "illicit relations." A few refer to a female partner as a "concubine." Judicial name calling must stop. Terms such as "life partner" or "unmarried couple" or "domestic partners" would do just fine.

Lawmakers and judges often stigmatize children born to unmarried parents. Statutes in 13 states refer to such children as "bastards" and several other states label them as "illegitimate children." In 37 states, it is the judges who call the children "illegitimate." "Children born to unmarried parents" is an appropriate phrase.

The agenda is broad but the message is simple. Single people have dignity and deserve respect. But little will change until unmarried adults get involved. Join AASP and support Singles Rights Lobby. We make marital status discrimination a top priority.

visit our website → www.singlesrights.org

Whether State Civil Rights Laws Prohibit "Marital Status" Discrimination

State	Employment	Housing	Insurance	Credit	Other
Alabama	no	no	no	no	
Alaska	yes	yes	no	yes	
Arizona	no	no	mortgage only	no	violence shelters
Arkansas	no	no	no	yes	
California	yes	yes	some lines	yes	
Colorado	no	yes	no	yes	
Connecticut	yes	yes	no	yes	
Delaware	yes	yes	no	no	
Florida	yes	no	no	yes	club membership
Georgia	no	no	no	no	
Hawaii	yes	yes	no	yes	
Idaho	no	no	no	no	
Illinois	yes	yes	no	yes	
Indiana	teachers only	no	no	no	
Iowa	no	no	no	no	
Kansas	no	no	yes	no	
Kentucky	no	no	no	no	
Louisiana	no	no	no	yes	
Maine	no	no	no	yes	
Maryland	yes	yes	no	yes	
Massachusetts	no	yes	no	no	
Michigan	yes	yes	no	yes	
Minnesota	yes	yes	no	yes	
Mississippi	no	no	no	no	

State	Employment	Housing	Insurance	Credit	Other
Missouri	no	no	yes	yes	
Montana	yes	yes	group plans	yes	
Nebraska	yes	yes	no	no	
Nevada	no	no	no	yes	
New Hampshire	yes	yes	some lines	no	
New Jersey	yes	yes	no	yes	
New Mexico	no	no	no	no	
New York	yes	yes	no	yes	
North Carolina	no	no	no	yes	
North Dakota	yes	yes	no	yes	
Ohio	no	no	no	yes	
Oklahoma	no	no	no	yes	
Oregon	yes	yes	no	no	
Pennsylvania	no	no	yes	no	
Rhode Island	no	yes	no	yes	
South Carolina	no	no	no	no	
South Dakota	no	no	no	no	
Tennessee	no	no	no	yes	
Texas	no	no	no	no	
Utah	no	no	no	no	
Vermont	no	yes	no	yes	
Virginia	no	no	no	yes	
Washington	yes	yes	some	no	
West Virginia	no	no	no	no	
Wisconsin	yes	yes	no	yes	
Wyoming	no	no	no	no	
Total states with protections	19 yes, 1 teachers only	22 yes	3 yes, 5 some lines	27 yes	2 some areas

Most States Unjustly Stigmatize Children Born to Unmarried Parents

State	Statutes referring to such children as “bastards”	Statutes referring to such children as “illegitimate”	Judges referring to such children as “illegitimate”
Alabama	§ 26-11-1		1998 Ala. LEXIS 192
Arkansas	Const. amendment #67	§ 5-26-411	971 S.W.2d 263, 265
California			78 Cal.Rptr.2d 335, 347
Colorado			962 P.2d 339, 341
Connecticut			710 A.2d 1297, 1320
Delaware	10 Del. C. § 5117		
Florida			1999 Fla.App. LEXIS 10064
Georgia			510 S.E.2d 823
Illinois			701 N.E.2d 1147, 1150
Indiana			689 N.E.2d 1265, 1268
Iowa			591 N.W.2d 182, 188
Kansas			923 P.2d 1044
Kentucky			965 S.W.2d 836, 839
Louisiana	§ C. C. Art. 238		715 So.2d 483, 487
Maine	14 M.R.S. § 711		
Maryland			728 A.2d 743, 753
Massachusetts			711 N.E.2d 886, 890
Michigan			573 N.W.2d 291
Minnesota			1997 Min.App. LEXIS 1397
Mississippi	Chapter 9	§ 91-1-15	718 So.2d 1091
Missouri			959 S.W. 944
Montana			883 P.2d 1246, 1249, 1255
Nebraska			546 N.W.2d 61, 65-66
Nevada			889 P.2d 823, 828-829, 832
New Mexico			959 P.2d 540, 547

State	Statutes referring to such children as “bastards”	Statutes referring to such children as “illegitimate”	Judges referring to such children as “illegitimate”
New Jersey	Title 9, ch.17, art.2; 37:1-5	Title 9, subtitle 4	703 A.2d 901, 923-924
New York			692 N.Y.S.2d 569
North Carolina	Chapter 49	Chapter 49, Art. 1	505 S.E.2d 277
Ohio		§ 2919.21	1998 Ohio App. LEXIS 5044
Oklahoma	Title 21, § 53		942P.2d 235, 238
Rhode Island	§ 9-18-16		
South Carolina		§ 20-1-60	498 S.E.2d 885
South Dakota		§ 25-6-1	569 N.W.2d 29, 33
Tennessee	§ 8-21-701 / § 16-16-114		1998 Miss. LEXIS 460
Texas			1997 Tex.App. LEXIS 4654
Utah			945 P.2d 113, 117
Vermont	12 V.S.A. § 1695 & § 3482		
Virginia			1995 Va. App. LEXIS 560
Washington		§ 41.26.030	969 P.2d 113, 114-118
West Virginia	§ 42-1-5		511 S.E.2d 720, 797-800
Wyoming			923 P.2d 758, 763-765

Some Relevant Quotes

From the Pennsylvania Superior Ct. in *Miscovich v. Miscovich* (1997) 455 Pa. Super. 437, fn. 2:

“Throughout history, illegitimate children were precluded from, among other legal rights, entering certain professions. The Book of Deuteronomy states: ‘A bastard shall not enter into the congregation of the Lord; even to this tenth generation shall he not enter into the congregation of the Lord.’ Duet. 23:2. At common law, a child born out of wedlock, referred to as a bastard, was considered a non-person and was not entitled to support from the father or inheritance from either parent. 1 W. Blackstone, Commentaries 459; *Davis v. Houston*, 2 Yeates 280 (1878).”

From Louisiana’s Civil Code, Article. 238:

“Illegitimate children generally speaking, belong to no family, and have no relations; accordingly they are not submitted to the paternal authority, even when they have been legally acknowledged.”

From the Alaska Supreme Court in *B.E.B. v. B.E.B.* (1999) 979 P.2d 514, 517:

“To be designated as an illegitimate child in preadolescence is an emotional trauma of lasting consequence.”

From Wash. Supreme Court Judge Charles Smith in *Guard v. Beeston* (1997) 940 P.2d 642, 668:

“I write . . . to express my concern over the perpetuation of the offensive term ‘illegitimate’ in referring to a child born to parents not married to each other. Certainly, ‘illegitimate’ is a better word than ‘bastard,’ a word common in earlier statutes and decisions. RCW 4.24.010, at issue in this case, uses the term ‘illegitimate child.’ An innocent child is still stigmatized by that reference. We have made great strides in amending statutes to remove age-old terms which are offensive in our present-day society. The legislative process can use words which convey the same meaning, but are less demeaning to children.”

21 States Violate the Privacy Rights of Consenting Adults

State	A crime for an unmarried man and woman to cohabit	A crime for an unmarried man and woman to have intercourse	A crime for same-sex couples to have oral or anal sex	A crime for an unmarried man and woman to have oral or anal sex	A crime for a married couple to have oral or anal sex
Alabama	no	no	yes	yes	no
Arizona	yes	no	yes	yes	yes
Arkansas	no	no	yes	no	no
Florida	yes	no	yes	yes	yes
Georgia	no	yes	no	no	no
Idaho	yes	yes	yes	yes	yes
Kansas	no	no	yes	no	no
Louisiana	no	no	yes	yes	yes
Massachusetts	no	yes	yes	yes	yes
Michigan	yes	no	yes	yes	yes
Minnesota	no	yes	yes	yes	yes
Mississippi	yes	no	yes	yes	yes
Missouri	no	no	yes	no	no
New Mexico	yes	no	no	no	no
North Carolina	yes	no	yes	yes	no
North Dakota	yes	no	yes	yes	no
Oklahoma	no	no	yes	no	no
South Carolina	no	yes	yes	yes	yes
Utah	no	yes	yes	yes	yes
Virginia	yes	yes	yes	yes	no
West Virginia	yes	yes	no	no	no
Washington DC	no	yes	no	no	no

Letters We Have Received

Michigan Legislature

"I would like to thank you for responding so quickly and effectively to oppose HB 4258, a repeal to civil rights protections for unmarried couples.

"As you know, HB 4258 would have legalized discrimination against any unmarried individual who is living with another unmarried person. HB 4258 would have allowed business owners to discriminate against such unmarried persons in employment, housing, public accommodations, education, and would have legalized such discrimination by government agencies as well.

"The written materials you provided . . . were extremely helpful. Your personal testimony at the committee hearing was also most enlightening. Your group played a pivotal role in defeating, at least temporarily, this draconian bill.

"On behalf of the millions of unmarried Michigan residents who would have been adversely affected by HB 4258, as well as married people who support equal rights for everyone regardless of marital status, I would like to express our gratitude to you for traveling to Michigan to help preserve the integrity of our Elliott-Larsen Civil Rights Act."

– Elizabeth S. Brater
State Representative / 53rd District

Equality Florida

"I am writing to thank you for your tremendous support in helping get a domestic partnership bill introduced in Florida. In particular, I want you to know how much I appreciate your expertise and willingness to communicate with Florida elected officials and media outlets. Senator Darryl Jones, the Senate sponsor of the bill was impressed by the information you supplied during our conference call and reporters have thanked me for directing them to you as a resource.

– Nadine Smith
Executive Director / Equality Florida

Los Angeles City Attorney

"Thank you for your March 27, 1999, letter regarding the County's Domestic Partnership Registration Ordinance.

"Your letter raised a number of important concerns which, through my staff, I conveyed to both the County Counsel handling this matter and attorneys with the Lambda Legal Defense and Education Fund who have been working closely with the County Counsel.

"As a result of your input, the domestic partnership registration form now includes a box for individuals to indicate their unmarried status.

Additionally, as you recommended, registrants will now be provided with a separate medical power of attorney form.

"I believe that the ordinance approved by the Board of Supervisors on April 6, 1999, represents an improved proposal and one which will assist domestic partners in obtaining workplace health and other benefits.

"I read with interest your article in the April 7th Daily Journal and commend you for your longstanding commitment and work on domestic partner issues."

– James K. Hahn
Los Angeles City Attorney

Cook County Board of Commissioners

"I would like to thank you for responding so quickly and effectively to my request for assistance.

"As you know, a 'same-sex only' domestic partner benefits proposal was placed on the agenda of the Human Rights Committee of the Cook County Board of Commissioners. I opposed the measure because I have insisted that such a benefits plan should be gender neutral and open to all employees with domestic partners regardless of whether they are same-sex or opposite-sex.

"When my staff called you for information, you provided us with a wealth of information to show that the cost of a gender-neutral plan would be minimal.

"I was pleasantly surprised that you took the time to fly to Chicago to personally testify before the committee. Your testimony was powerful and most enlightening. The other members of the committee obviously were impressed by your expertise on this issue, since their questions kept you at the witness microphone for nearly a half hour.

"Although a majority of the committee voted in favor of the same-sex only plan, several commissioners stressed that this was only a first step toward reform. These commissioners stated that they wanted to study the feasibility of eventually adopting a gender-neutral plan or even a super-inclusive plan such as that implemented by Bank of America which also includes benefits for some dependent blood relatives.

"I hope that you will hold these commissioners to their statements that this was only a first step. With follow-up communications, some commissioners might be willing to cosponsor a resolution calling for a formal study into the feasibility of expanding the new benefits plan into a gender-neutral or even broader plan so that all workers, whether married or unmarried, are treated equally when it comes to health and other benefits."

– William R. Moran
Commissioner, 6th District
County Board of Commissioners

Support Singles Rights Lobby

Singles Rights Lobby is the legislative advocacy affiliate of the American Association for Single People. We are the only national organization representing the political interests of some 80 million adults in the United States who are unmarried.

We invite you to support Singles Rights Lobby and to become a member of the American Association for Single People. AASP and Singles Rights Lobby work together as a team.

AASP is a tax-exempt nonprofit which works through educational means to promote the well being and civil rights of unmarried adults and domestic partners. Donations to AASP are tax deductible.

You can become a member of AASP by making a donation of \$10 or more to AASP. Call AASP at (800) 993-AASP for a brochure and application, or you can obtain an application form on its website at www.singlepeople.org.

Singles Rights Lobby works in the political arena, promoting and opposing legislation as well as prodding politicians and political parties to pay attention to the needs of unmarried Americans.

Although Singles Rights Lobby is a nonprofit corporation, donations to it are not tax deductible because of the political nature of our work. All participants in the organization are volunteers. We have no paid staff. Please make a donation to help defray our telephone, travel, postage, copying, and other expenses.

Please complete this form and return it with your check made payable to Singles Rights Lobby.

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